

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEPHEN LOCKE,)	
)	
Plaintiff,)	
)	
v.)	
)	Civil Action No. 06-1647
COUNTY OF ALLEGHENY DEPARTMENT)	Chief Judge Ambrose
OF CORRECTIONS, <i>et al.</i> ,)	Magistrate Judge Caiazza
)	In re: Docs. 6 and 11
Defendants.)	

Stephen Locke's ("Locke" or "the Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was received by the Clerk of Court on December 8, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on November 8, 2007, recommended that the Motion to Dismiss filed by the Defendant Allegheny Correctional Health Services, Inc. ("CHS"), (Doc. 6), be denied, and that the Motion to Dismiss filed by Defendant Prison Health Care Services, Inc. ("PHS"), (Doc. 11), be granted with respect to the Plaintiff's claims under the Pennsylvania Constitution, and with respect to the claims commenced under the provisions of 42 U.S.C. §§ 1985 and 1988, but that it be denied with respect to the Plaintiff's § 1983 claim. The parties were allowed ten days from the date of service to file objections, but none have been filed.

After de novo review of the pleadings and documents in the

case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 15th day of Jan., 2008,

IT IS HEREBY ORDERED that the Motion to Dismiss filed by the Defendant Allegheny Correctional Health Services, Inc. ("CHS"), (Doc. 6) is DENIED. IT IS FURTHER ORDERED that the Motion to Dismiss filed by Defendant Prison Health Care Services, Inc. ("PHS"), (Doc. 11), is GRANTED with respect to the Plaintiff's claims under the Pennsylvania Constitution and GRANTED with respect to the Plaintiff's claims commenced under the provisions of 42 U.S.C. §§ 1985 and 1988. The motion is DENIED with respect to the Plaintiff's § 1983 claim.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 21), dated November 8, 2007, is adopted as the opinion of the court.



s/Donetta Ambrose
Donetta Ambrose
Chief U.S. District Court Judge